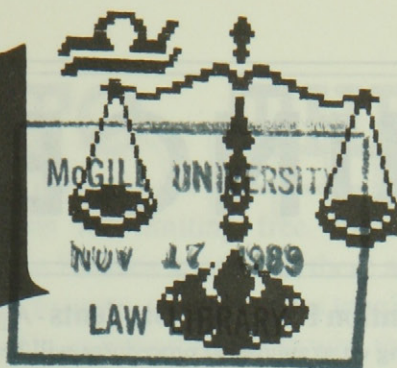


Quid Novi



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November 14, 1989
le 14 novembre, 1989

Internationalizing Human Rights, Humanizing International Law

by Julia C. Quon, LLB III

The topic of the third annual Natan Sharansky Lectureship in Human Rights presented by Thomas Buergenthal of George Washington University Law School, was "The International Human Rights Revolution". The recurring theme in the lecture, although given in recognition of individual leadership and activism, was the independence and inevitability of the human rights movement.

The source of the human rights movement is the Charter of the United Nations (1945) which is both the U.N. constitution and a treaty. Prior to the Charter, no international human rights

regulation existed; human rights were generally regarded as domestic rights granted by states to their nationals. As such, they could be taken away without arousing world opinion. On signing the Charter, however, states for the first time pledged as part of an organization and as individual states to promote the respect and observance of human rights and fundamental freedoms.

The Charter and subsequent agreements have provided the means for the promotion of human rights on three fronts: first, human rights agreements have provided a tangible point from which monitoring groups can work. It is much more difficult for a state to ignore human rights when they have been explicitly recognized in a document

signed by the state.

Second, governments attempting to exploit the value of human rights agreements as propaganda have been trapped into promoting the human rights contained in those agreements by their need for favourable public opinion.

Third, and most importantly, human rights are no longer considered by people to be part of the domestic affairs of an individual state and violations now have the taint of illegality. The concept of fundamental freedoms mirrors human aspirations and has become an ideology independent and with more legitimacy than that of a state's. It fosters a universal solidarity and moral and political force

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Petits Bureaux, Grands Défis

par Johanne Poirier, BCL III

Voici un nouveau chapitre de notre roman fleuve sur les emplois d'été. Le comité des carrières nous fait, tour à tour, passer aux aveux.

L'été dernier j'ai eu l'occasion de travailler dans un petit cabinet d'avocats (5 avocats, un stagiaire, 4 secrétaires et moi). Ce bureau se spécialise en droit du travail, représentant salariés syndiqués et non-syndiqués, et en droit de la personne

(discrimination, harcèlement sexuel, etc). Une fois embauchée, j'ai découvert que certains avocats pratiquaient également un peu en droit commercial et des successions. Mais ça, c'est pour payer le loyer...

Vous comprenez qu'on ne fait pas fortune à représenter des non-syndiqués et des victimes de discrimination. Les gens dans le besoin peuvent rarement se payer un avocat. Les avocats de droit du

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ANNOUNCEMENTS

Res Ipsa Loquitur is now the official title of the Law Yearbook. Thanks to Colin Chang for the suggestion. Please take note that we have extra copies of the 1988-89 edition available. Contact Bram Freedman or leave a note in the Yearbook box in the LSA office. We are, of course, still selling this year's book. Thanks for your support.

Women and the Law: The Women and the Law Association in conjunction with the Faculty of Law is pleased to announce that the Annie Macdonald Langstaff Workshop will take place on Wednesday, November 15th at 12:00 in Room 202. Professor Jennifer Nedelsky, formerly of Princeton University and currently at the Faculty of Law at the University of Toronto, will be giving a lecture on "Law, Boundaries and the Bounded Self". A feminist legal theorist, Professor Nedelsky will be discussing a possible alternative to traditional individualist notions of law. The paper she will be presenting will be on reserve in the Law Library.

Environmental Law Association of McGill: ELAM will be holding a general meeting Wednesday, November 14 at 12:00 noon in room 202 to vote on the revised constitution and to elect the executive. Everyone is welcome.

L'ADEM tiendra une réunion générale mercredi le 14 novembre à midi, dans la salle 202. A l'ordre du jour: le vote pour la constitution révisée et l'élection de l'exécutif. Bienvenue à tous.

Seminar on Legal Developments in the USSR - Dr. Irina Bogdanovska of the Soviet Institute of State and Law will present a speech on "Developments in Constitutional Law and Human Rights in the U.S.S.R." on Thursday November 9th at 12 noon in room 202.

Europe 1992: What is it? Who cares?

- Come and find out why "1992" is the buzz word in Europe today, why Margaret Thatcher has her reservations about it and why Canada should care about it. Europe's move towards economic, political and social integration will be the focus of an address delivered by His Excellency Jacques Lecomte, Ambassador of the E.E.C. to Canada, on Wednesday, November 15, at 4 p.m. in room 201.

Legal Aid Clinic/Clinique d'aide juridique

- The Clinic will cease operations for 1989 on Friday, November 24th. We will reopen the third week of classes in January 1990. Si vous voulez travailler à la Clinique l'année prochaine, vous devez vous réinscrire en janvier, au SAO.

Attention First Year Students - A general briefing on examination procedures will be given by the Associate Dean, Professor Boodman and Mrs Lederer on Wednesday, November 22 at 12:00 noon in the Moot Court. Please do your best to attend. Of course, all interested upper year students are invited to come.

Library - As exams approach, the Law Area Library Advisory Committee is asking students to cooperate in the observance and enforcement of silence on the 3rd, 5th and 6th floors of the Library. The stack manager and reference librarian are available to help in this matter, if necessary.

LSA Bookstore - Une personne avertie en vaut deux... Vendredi le 17 novembre 1989 sera la dernière journée pendant laquelle vous pourrez acheter vos livres et recueils.

Tasses QPIRG Mugs Now Available at SADIE'S!

LSR - LSR held its Annual General Meeting in Vancouver this past August. For those wanting to know more about the national organization, a copy of the minutes and resolutions from that meeting have been put on Reserve in the library under the title "Vancouver AGM" (file # 444). We remind you that a second folder, "Selected Documents on China" (file # 418) is also available for your perusal at the Reserve.

If you would like to have influence over up to 1000 lawyers nationwide, come to room 203 on Wednesday, November 15th at 12:00 pm. The McGill chapter of LSR is assuming responsibility for the national production of the newsletter and would like to form an editorial/production board. Anyone with relevant newspaper production experience and/or initiative is invited to attend.

Examination Numbers - All Law examinations are written by an exam number. Students are requested to pick up an examination number at the Student Affairs Office starting this week, November 6th.

Economic Regulation, Term II - Please take note that this course will be evaluated by a paper and not by a take-home examination as originally stated in the Early Registration material.

Torts I and Contracts I Exam

Schedule Change - The examination times for these two exams have been switched. Torts I will be held **April 23, 9:30 a.m.** (instead of May 1) and Contracts I will be held **May 1 at 2:30p.m.** (instead of April 23).

Carreers - If you are in 2nd, 3rd or 4th year, you have received or will soon receive a survey asking for information on summer law-related employment. The purpose is to provide information from a student's point of view on various summer jobs in firms, corporations, government, working for professors... anything law students might be interested in. Veuillez s.v.p. compléter le sondage le vite possible et le déposer dans le casier "Careers survey/sondage-carrière" au bureau de l'AÉD/LSA, ou encore le remettre à un membre du comité-carrières. Thanks for your help! The results will be available after Christmas break in the Placement Office.

Christmas Food Drive - Christmas is coming and the Christmas Food Drive will be asking for donations of canned food and/or money during the week of November 20th. Please keep this in mind on your next trip to the grocery store. If anyone is interested in helping with the Food Drive Campaign, please leave a note with Irene Wolfe, V.P. Common, in her box at the LSA Office.

?????

Hedonism:
Special 125 page
supplement to
the *Quid* end-
of-term issue on
the delights of
life needs your
contribution.

Deadline:
November 22.
Don't be shy
now!



LETTERS TO THE EDITORS

To the editors:

Did the Halloween moon affect your judgment? I can't imagine what else could have induced you to publish that obnoxious piece entitled "Unreported" in the November 1st *Quid* — you know, the one that ostensibly summarized a case where one man's wife was his chattel.

In the absence of a name, date and jurisdiction for this purported judgement, one can only assume that it represents a misbegotten attempt at humour. However, chauvinism isn't funny and it's long out of date. Even if some of your contributors haven't clued in to this fact yet, publishing such nonsense shows extremely poor taste on your part.

Susan Clarke, BCL II

To the editors:

"Unreported" was offensive, not humorous and did not warrant taking up one sixth of the Halloween *Quid*. There's plenty of wit and intelligence in this faculty, let's see more of it!

Juli Abouchar, LLB II

To the editors,

As a journalist, and as a writer who has been the victim of censorship, the right to free speech is a right which I value very highly.

But, as I have more than a superficial understanding of what free speech means in a practical sense, I have no qualms with endorsing Justice Holmes observation that freedom of speech does not give one the right to shout "Fire" in a crowded room.

In addition to the obvious practical

reasons for limiting free speech that Justice Holmes speaks of, there are also other reasons, which are less tangible but equally as important, as to why the *Quid* should have not printed Ross Milliken's apology for humour titled "Unreported".

Law schools are notoriously conservative places. They have till very recently systematically excluded any one who was not a "white male". It is only in the last few years that women have been permitted to enter law schools on an equal basis to men. The teaching staff is still predominantly male. The law is taught as if women don't matter. Organizations such as "Women and the Law" have their notice boards defaced. Faculty councils dominated by men question the validity of women's experience in formulating and teaching of courses. Women law students are forced to function in a very "male" environment, which appears to question at every possible turn, the legitimacy of their being there. In other words, even when women are not physically excluded, they are excluded from full and fair participation by being terrorized, objectified, laughed at, and by being

silenced.

The author's misogynist and juvenile attempt at humour reinforces several of these anti-women features of law school. Articles, whether humorous or not, that enhance the stereotype of women as objects should receive the same treatment as the *Quid* would surely give to articles that might attempt to portray

Jews as money grabbers, Scots as miserly, Blacks as stupid, Irish as drunks, or any use of any other negative stereotype we can think of. Assuming that the *Quid* would in fact refuse to print articles of the latter type, freedom of speech can not be used to justify printing the author's muddled thought.

Viresh Fernando, BCL II

As usual the editors welcome thoughtful responses from their readers. We ask only that readers distinguish between an approval to have an article published and an approval of the content and the views expressed therein. Publication is not an adoption of views. -the editors.



"Your spell wore off years ago, Cupid!
Now the woman is driving me nuts! You'll
be hearing from my lawyer!"

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Possible Solution to the Funding Shortage?

by Anthony M. Fata, Nat'l IV

University under-funding is not a new issue. This problem has been around for years and unfortunately a solution does not appear to be in sight anytime soon.

Last year, McGill's Engineering students voted by a large majority to increase their student fees for the specific purpose of purchasing lab equipment. Arts and Sciences students have also taken the bull by the horns and raised their fees by \$50 per year per student.

Unfortunately, the law faculty is not immune to the underfunding dilemma. As most students are well aware, difficult choices are made everyday in the Faculty because of budgetary restrictions.

It is with this backdrop that I am proposing that we, the law students, consider raising our student association fees to help alleviate this underfunding crisis. Amongst the areas that are particularly in need of an influx of capital are the library and the sessional lecturer fund.

We are all well aware of the acute shortage of books and journals in the library. A possible use of any money raised would be to allow the library to continue its subscriptions to various journals.

The other area in the school which suffers due to lack of funding is the number of speciality courses offered. As it stands now, the Faculty is sometimes obliged to make the difficult decision of selecting one course to be taught instead of another simply because the necessary resources are not available.

What I am proposing is a special student association fee increase in the neighbourhood of \$50 to \$100 per year for the purpose of funding the aforementioned areas which need an influx of capital.

I realize that this proposal will not be universally acceptable to all; however, I feel it is important that this proposal be discussed, considered and eventually voted upon.

The course of action that the LSA/AÉD will take in this matter will be entirely dependent on your reaction. My personal view is that we proceed initially to gauging the various views, primarily by way of letters or comments addressed to and reproduced in the *Quid Novi*. Following this, an open forum will be held sometime in mid-January to discuss this proposal. Should events warrant it, the question could be brought to a vote in the spring.

The LSA/AÉD needs to know what students think about increasing our student fees. I encourage you all to think about and respond to this proposal.

As an aside, I urge people to consider the principle of a fee increase and not the technical difficulties that need be addressed in the event that this proposal is adopted. Also, you should note that the intention is that this fee be collected by law students to be spent in a manner determined by law students and be to the benefit of law students. We are not looking to give money to the University General Fund.

N.B. Cet article fut écrit en anglais pour faciliter la compréhension de l'idée qui vous y est proposée. J'inviterais toutes interventions des étudiants dans les deux langues.

Petits Bureaux Suite de la p. 1

travail travaillant de "notre" côté (comme on dit) acceptent de gagner environ la moitié de ce que gagnent leurs confrères oeuvrant pour les employeurs. Les étudiants et stagiaires doivent également faire un sacrifice, soit celui des ressources. Un petit bureau n'a ni bibliothécaire, ni assistant de recherche informatisée. J'ai dû courir à la bibliothèque du Barreau régulièrement pour obtenir des bouquins que n'importe quel grand bureau a sur ses tablettes. Mais là s'arrête l'élément négatif de mon expérience. Les autres aspects se sont avérés très stimulants.

L'esprit d'équipe est essentiel dans un petit bureau. Ainsi dès le départ j'ai pu participer aux réunions des avocats et indiquer mes préférences quant aux dossiers sur lesquels j'avais envie de travailler. La hiérarchie étant réduite au minimum, j'ai pu rencontrer des clients dès leur première entrevue pour suivre le cheminement de leur dossier jusqu'à mon départ. J'ai été invitée à des réunions avec des syndicats et j'ai pu collaborer à la préparation de témoins pour un procès. J'ai écrit des mémos, entre autre, sur des questions de procédures, de testaments, de harcèlement sexuel et d'obligation de représentation syndicale. J'ai fait la tournée du Palais de Justice une ou deux fois par semaine (le "Court Run") ce qui veut littéralement dire courir d'un bureau à un comptoir à un ordinateur à un cabinet de juge à la bibliothèque pour déposer documents, payer des frais, reporter des audiences, etc.

Mon projet principal a été une recherche approfondie sur des questions de liberté d'association, d'expression et des droits à l'égalité en vue d'une requête pour jugement déclaratoire fondé sur la Charte. J'ai collaboré à la rédaction des procédures et de la documentation et j'ai dû assurer la logistique de la conception du dossier pour la Cour (littéralement des boîtes de documents à classer et à

indexer).

Les conditions de travail varient énormément d'un petit cabinet à l'autre. Dans mon cas, je n'ai travaillé rarement les soirs après 18h30 ou les fins de semaine. Lorsque j'ai dû travailler au-delà de mes heures régulières, c'était toujours par choix: jamais je n'ai senti que ma disponibilité était prise pour acquis, ce qui, je l'admets était une surprise reconfortante, contredisant le mythe du "don total" à son employeur. Le salaire était plus ou moins comparable à celui des autres cabinets de Montréal, c'est-à-dire plutôt minable.

Comment dénicher-t-on un emploi dans un petit cabinet qui ne recrute pas directement à la faculté? Parlez aux professeurs enseignant dans les domaines de droit qui vous intéressent, lisez le Journal du Barreau et faites des téléphones. J'ai trouvé les avocats auxquels j'ai parlé lors de ma recherche disponibles et prêts à faire des suggestions utiles. *FIN*

SKIT NIGHT: Think About It!

Which of the following should be keeping you awake at night:

- a) unopened casebooks
- b) poorly handwritten summaries
- c) upcoming exams
- d) ideas for Skit Night

While you might not think so, Skit Night, March 15, is just around the corner. To the uninitiated, Skit Night provides the opportunity for students and the occasional daring faculty member to show their creative talents. Acts range from contemporary musical expression to skits about the lighter sides of law school, not to mention impersonations of your favorite profs.

Les recettes de ce spectacle annuel seront versées à deux organismes charitables, Chez Doris et le Old Brewery Mission. L'année dernière nos dons ont dépassé \$15 000.

Human Rights...

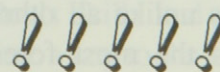
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which cannot be predicted nor resisted by its opponents. The events that have occurred in Hungary, Chile, China, the USSR, and South Africa illustrate this.

The conventional political belief that military and economic power are what count is being disproved for both developing and developed countries. As both internal stability and diplomatic and economic relations become conditioned on human rights improvements, developing nations are recognizing the importance of human rights and international image to economic prosperity. At the same time, shifts in regional power to those developing nations are forcing the developed nations to recognize the importance of democracy in those countries to their won economic health.

To continue the success of this "comedy-musical extravaganza" LOTS of help is needed. Whether your interests run to production, skit writing, fund raising, music, sales or simply being available to help out, this is your opportunity to be involved. Quelques exemples des thèmes passés: "Laws Vegas", "Praise the Law (PTL)", "Saturday Night Law", et "David Lawyerman". Le thème de cette année reste à être découvert, et nous avons besoin de vos suggestions.

If your idea is chosen, you will receive a free Skit Night T-shirt and two complimentary tickets. All suggestions may be submitted to the Skit Night Committee mailbox in the LSA/AÉD office or by contacting Tanya Goldberg (chairperson), Drew Berman or Colleen O'Brien. Sign up sheets will be available shortly.



Japan: From the Inside

by Demetrios G. Xistris
BCL 1984, LLB 1985

As a recent graduate of the Law School and a past editor of the *Quid*, I thought students at McGill would be interested perhaps to know what it was like to practice law in Tokyo, Japan, for a year.

I was afforded this opportunity during 1989 to work in the Tokyo office of the New York firm of White and Case. I had been in the New York office for the three previous years doing primarily corporate law concentrating on banking, acquisition financing, mergers and acquisitions and general corporate counseling and corporate finance.

Going to Tokyo was to be a different experience from the pressure and grind of New York City. American lawyers were not allowed to practice in Japan until 1988, and then only under the registered name of its resident partner and not under the representative firm name. On top of that, foreign firms are not allowed to have partnerships with Japanese member attorneys nor are they allowed to advise on law other than the laws of their home jurisdiction. As a result, U.S. firms advise only on U.S. law. The trade barriers involving U.S. lawyers has become one of the main trade issues between U.S. and Japanese negotiators.

Most U.S. firms that think on a global basis realize they must be centred in London, New York, Hong Kong and Tokyo, the major financial centers of the world, if they are indeed to become international. With the coming of 1992, Brussels will most likely join the list of must places.

But Tokyo is unlike all other financial centers. It is the most foreign of the

foreign, technologically advanced, financial capitals. It is not known to be hospitable to foreigners, nary a word of English is spoken while it is expected you speak Japanese. Its insularity and homophobic mania has not been exaggerated.

I was prepared to give Tokyo the benefit of all doubt, prepared to try to understand the Japanese perspective on international issues. While I was able to learn immensely about this unique culture, I have been able to come away with a better understanding of what Japan is. This is not always consistent with what one reads in North America.

Japan is immensely wealthy. Unattended running 735i's and Rolls Royces are not uncommon sites. Trust, safety, no crime, a subway system that runs to the minute on schedule and which is extremely efficient, are all truisms. The Bullet Train is just that, making the trip from Tokyo to Osaka (the same distance from New York to Montreal) in around three hours. More incredibly, it always arrives at its final destination at the appointed minute. Three thirty two arrival is just that, 3:32 on the nose. Nothing less is tolerated. Twenty five years of service, billions of passenger miles and not one fatality.

Japan is also awash with cash. Banks are unable to lend enough money to their corporate clients. The nation's high savings rate keeps interest rates low, reduces pressure on demands for lower priced consumer goods and increases demand for high luxury good items. No need to see the latest Chanel or Louis Vuitton styles in the local outlets. Every woman sports one.

Most surprisingly is that in such an advanced and wealthy society there

exists such second class roles and role models for woman. Also surprising is the lack of a sense of responsibility on issues that affect the world, on matters such a third world debt, economic assistance to lesser developed countries, nuclear arms, human rights. Japan was the first to embrace itself with the communist government in China after the student rebellion, Japan is willing to become a large debtor to Asian countries like Indonesia but only if such debt is tied directly to Japanese investment in plants and machinery and the purchase of Japanese finished goods. On a trip to Indonesia I was able to see this first hand as I saw nothing but Japanese construction companies building the infrastructure and roads of the country. This is a self centered approach.

The argument is made as well that Japan will never become a great leader of the free world. Its economic strength depends upon free markets and its dominance of Asian markets yet there is no military power to enforce its policies, no naval power to maintain open sea lanes. The re-establishment of Japan post-war by the U.S. occupation has tried to ensure that there would be no more militarism.

Japan's economic success is susceptible to events and people outside of its control. While most Japanese believe their success is through their own hard won efforts, and while this is generally true, most senior businessmen and officials know that Japan is a sister economy to the United States in the same way that Canada is. They publicly decry Japan bashing not understanding why Japan has a negative perception in the United States. But they all know that should the U.S. Congress pass anti-trade

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Freedom of Religion: Is It All ON the Head ??

By : Professor Burp

Recent events in France and Canada provide us with interesting insights into the intricacies of civil liberties, particularly freedom of religion.

A month ago or so, in Creil, a Parisian suburb, three young Muslim students started wearing their traditional scarves to school. In France, the schools have long ago been laicised - a reform that, incidentally, provided Quebec with a treasure of highly competent clerical professors. France strictly enforces the separation between Church and State. No signs of any religion can appear in school. No crucifixes, no stars of David, not even the smallest hammer and sickle - it is also a religion in France - can be worn. The gesture of these young students created a fury in their school. One of them was expelled.

The debate soon took national dimensions, fueled by the widespread perception that Muslim integrists created the whole affair to stir up controversy. On the other hand, France, especially the

south of France, has a poor reputation for tolerance, particularly towards Muslims. The wife of François Mitterrand, Danièle, embarrassed the government by coming out publicly in support of the Muslim students, in contradiction with official policy. She should be offered a course at the Dennis Thatcher School of Invisibility.

Muslims argue freedom of religion. The government so far has insisted that the law be uniformly applied and has supported the action of the school principals. Its line seems to make sense in a formal way but, in substance, the absolute prohibition of all religious signs seems a bit exaggerated in front of the minute violations in question. One would wish that scarves come back in fashion to see if the government would try to discriminate between religious scarves and fashionable ones... Other opponents argue that Islamic law is oppressive towards women in imposing the scarf, an argument that is hardly likely to convince Muslims to send their daughters to school bareheaded, however.

I thought it would be worthwhile to report this incident, since it shows how even some of the most established and seemingly well-defined rights, such as freedom of religion, are self-contradictory at some point: here the absence of discrimination between religions, as embodied in the laity of State schools, leads to Muslims, albeit integrists, having to encroach on Islamic law due to State action. Furthermore, the whole controversy also testifies to the power of rights theory to inflate minor incidents to enormous proportions.

How does Canada fare on that issue ? Well, it seems the R.C.M.P. will be allowing Sikh agents to wear turbans with their uniform. The rationale for the decision is unclear, though, and hence its precedential value is undermined: did that hallowed national symbol want to promote tolerance and multiculturalism, or did it at last want to provide the public with a way to distinguish its members from their mounts ?

INTRAMURAL SPORT : Men's Soccer

by André Ouellette, Nat'l IV

This year's edition of the men's soccer team showed marked improvement over last year's as the Kickbacks saw their record improve from 0-5 to 2-2-1. For the first time in recent memory the team actually made the playoffs. The excitement was short-lived however as the Kickbacks bowed respectfully to a well-trained and physically superior adversary, the division winners MBA United. In this game, center fullback Andrew Lister played exceptionnally well, thwarting several United threats.

When the opponents broke through, they were stopped by Kurt "Smoothy" Johnson who made some outstanding saves. Unfortunately for the Kickbacks, injuries played a big part of this game. Star midfielder Perry Naranacic seriously injured his knee during the last game of the regular season and was badly missed during this game. Murray Mollard was also side-lined with an injury. John Sypnowich injured his ankle during the game while André Beaulieu showed a lot of courage by playing on a tender ankle.

Next year's team should fare even better

as only a few players are graduating. The success on the field this season fed a growing enthusiasm which was on the rise after every success. The Kickbacks realized that they could compete with the very best in the league. Among the highlights of the season was Smoothy's save on a penalty kick in the dying moments of the last regular season game. The win over the Corporate Raiders qualified the Kickbacks for the playoffs. Peter Moulson provided much needed offensive fire power game after game. Peter Mosley's skills and steadiness at midfield were a key to the success of the team.

Japan...

Cont'd from p. 6

legislation the wind will blow cold in Yokohama.

While the Japanese work hard, they live in rabbit sized apartments and have a standard of living that compares little to North Americans. That is their trade off between economic prosperity and a land price spiral that allows them to buy homes in California which are thirty times the size of their apartments in Tokyo for one third the cost.

However, now as they travel outside of their country in increasing numbers, the Japanese come to question why they should pay 50% more for a Sony radio than in Hong Kong or in New York, or why they should pay for airfares that make a flight from Tokyo to Osaka (one hour) nearly as much as one from Tokyo to Hong Kong (four hours).

Practicing law has been most interesting. I have found that the leading practitioners of the local firms all deal with legal concepts that are very similar to those in North America. While it is not a "paper intensive" corporate world (mainly because the traditional relationship between a Japanese bank and its customer is based more on trust and the fact that the company is part of the "X" Bank group), there is still a sufficient amount of sophistication in the leading firms.

However, I have found that not necessarily to be the case for Japanese banks and their corporate finance departments. While the Banks are at the leading edge of Eurobonds and have mastered the art of issuing these bonds at negative yields to the purchaser (on account that the equity warrant which is attached is extremely valuable), I have found that their knowledge of Wall Street type financing techniques, be they either tax driven or corporate reorganization driven, to be quite unsophisticated which is surprising. This is scary when one

considers that the top twenty banks in the world in terms of assets are all Japanese banks. However, while Citicorp is the largest non-Japanese bank in the world ranking somewhere between 20th and 25th in assets, it is still the number one bank in terms of efficiency as it earns more than any Japanese bank.

Recently, we had a major Japanese company ask us to work on a project financing structure for a European facility. We have acted as investment bank and legal counsel for this project and at one stage pointed out that the transaction would be cheaper and more easily financed if it were to be done with a straight corporate loan from its Japanese bank. The company's point was that they wanted to break away from that relationship, to be introduced to other major U.S. and European banks and to learn how to do such a project financing even if it was to cost the company five times as much in fees and financing costs. Like the FX debate between Japan and the U.S. where it would be half as cheap for the Japanese to buy the FX plane from U.S. contractors rather than buy the technology and build the plants over in Japan, this Japanese company wanted to pay the price for learning how to structure a project finance. Another example of the strategic long term perspective which Japanese managers maintain.

Finally, one of the most interesting parts of being in Asia is that I have had the opportunity to meet up with a few classmates who are all doing fascinating things. One has taken his legal education and used it to start up a real estate company which is helping to raise Hong Kong, Taiwanese and other Asian money to invest in West coast Canadian property developments. Another friend, who toured around Asia during a one year interlude from law school, decided Taiwan was a most dynamic place and decided to go there immediately after law school. Without any ideas in hand, he has since mastered Mandarin, secured a job at an excellent Taipei firm and worked

hard to gain some valuable Asian corporate and business experience. He has now returned to article at a major Vancouver firm where he hopes to build on the Pacific rim connections he has developed.

I had the opportunity to visit both of them over the course of the last year. It became apparent to me that their willingness to let their minds not be limited by what is the status quo and what is expected that they do upon graduating has lead them to extremely exciting careers. I believe that the education they received at McGill was an important contributor to their vision and success as they pursue opportunities not related to a Bay Street type practice. Meeting these individuals at law school has provided me with the most satisfying moments since my days of graduation.

One last word about Japan. Japan is a country full of ironies. What appears on the surface is not necessarily the reality. I have been told by everyone that there is no alcohol problem here, at least not as in the U.S., but my wife who spent one month in a local hospital refutes that and I have gathered my own empirical studies on this. It is also said that Japan is not a land of lawyers, that only 600 pass the bar every year. While this is true, it is somewhat misleading. The remaining graduates are all essentially in-house lawyers, they are just not as high on the pecking order. And for a society that discourages foreigners from feeling welcomed, there is still the most incredible high profile television and print ads of Ray Charles and Eddie Murphy, both on the level that does not exist in a country where one would think they would have more commercial exposure.

In Japan, like in most of Asia, you learn fast to ask the precise question and to ask it to the right person. Otherwise...

Coin des SPORTS

Corner

You win some, you lose some...then you have a beer.

Co-Rec Softball: The Law Wrecks demoralized from the first play by Sam's broken leg, could not regroup effectively. They lost 18-13 in the semifinal match. He will be back for Law Games action. Neatby watch: continuing his game-long hot streak, José got another hit.

Little Boys Softball: The S.F. Giants of Intramural playoffs suffered an untimely lack of hitting, dropping their quarterfinal game 9-2. Rumour has it some of the guys will join the new Florida Old Timer's League for the long winter season.

Men's Hockey: Law A continues its domination in league play - even without "Gaetan" Levine. In a recent 7-1 rout, H. Manis scored a pair of goals, convincing teammates once

and for all that he does not need contact lenses.

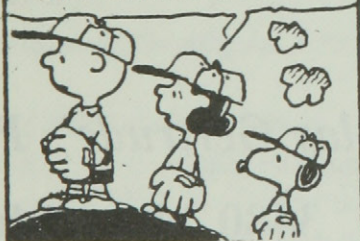
Men's Basketball: The Whatever's run their record to 4-0 with a 15-point win on the 6th. The team was inspired by hot-shooting Buzz, fresh off the injury list, and the end to end layup drive of freshman Mark Steinberg. Strong court sense (Moose) and outside shooting (George) bolstered the squad. Their next game is crucial, as they are against the ringers' team "Bring on the Mug" for a playoff berth.

Law Games: Pay by November 15. Team Rosters will be posted in two weeks.

Law Games Ski Day: Friday, Jan. 5th, \$16.00 incl. lift ticket, transportation, free beer. Sign up now and pay in full.

Do the Right Thing. Jordo.

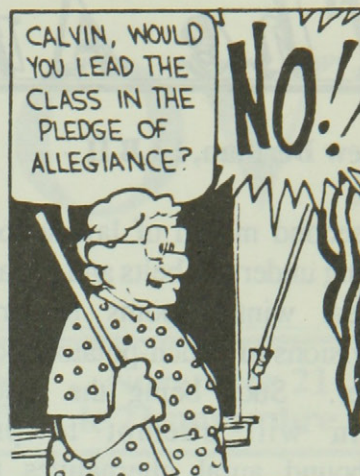
IF WE LOSE THIS LAST GAME OF THE SEASON, WE SHOULD SUE...



SUE? WHO ARE WE GONNA SUE?



AND WHAT ATTORNEY WOULD TAKE THE CASE?



The Armchair Conductor

by Drew Berman, LLB II

As a second month of law school lies brooding under our belts and yet another Montreal winter looms precariously near, visions of couch-potatohood grow brighter. Such being the case, this column will attempt to present homebound aural alternatives to the prestigious Montreal Symphony Orchestra and its assorted guest artists. How this will help with your Taxation course, I have no idea, but it definitely works for me.

Busy day in Common Law Property? Try some of Chopin's piano music, preferably as performed by Vladimir Ashkenazy. (You'll see his name a lot in my writing.) When originally released on LP, Ashkenazy presented selections composed over a given period of time. Thus, each LP contained an assortment of waltzes, mazurkas, nocturnes, etc., which literally made for a mini-recital on each record.

The powers-that-be then decided that when the material was to be released on CD they would change the format. Hence all the nocturnes are together, all the polonaises together, etc., with the final two CDs containing a mixed bag of pieces which didn't quite fit with the rest. Not quite as exciting as a pseudo-mini-recital, but if you only like mazurkas, well, there you go.

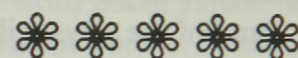
Prefer Beethoven piano sonatas? Stick with Ashkenazy. When it comes to the more well-known sonatas, there are 2 CDs from which to choose. On the Decca-London mid-priced series the coupling includes the "Moonlight", "Appassionata", and the "Waldstein". Or for about \$8 more you can get Ashkenazy's newer renderings of the "Moonlight", "Appassionata" and the "Pathétique".

The performance and recordings of each are truly wonderful though I prefer the former as being more characteristic of Beethoven's great second period of compositions. Here, his work was infused with an expansion of current musical forms and a heroic expression typified in his symphonies of this period - particularly the 3rd, 4th, and 5th.

Finally, if the neighbour's "Guns N'Roses" is really starting to tick you off, fight back with Tchaikovsky, in particular, the new boxed set from Decca featuring the 4th, 5th, 6th, and "Manfred" symphonies with Ashkenazy directing the Philharmonic Orchestra. The force and intensity of these works may surprise those who associate Tchaikovsky with "Swan Lake" and "The Nutcracker". These symphonies, however, reflect a composer whose personal life disasters

were given voice in works of profound remorse and anguish. Those who were fortunate enough to hear the Montreal Symphony perform Tchaikovsky's 5th last October will be familiar with the turbulent nature of his work.

Speaking of the Montreal Symphony Orchestra, if you have the time (and if not - make it) do attend! We are, after all, living in a city which boasts a symphony whose name is as well known as the Vienna Philharmonic, the London Symphony Orchestra, and the Concertgebouw Orchestra. Tickets can usually be had for a paltry \$7 if you purchase them one hour before the concert. More CD news will be coming soon.



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